

CCRB INVESTIGATIVE RECOMMENDATION

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|---|--|-------------------------------------|---|---|--|
| Investigator: Sylvia Davidovicz | Team: Squad #12 | CCRB Case #: 202002782 | <input type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input checked="" type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Sunday, 04/19/2020 10:24 PM, Sunday, 04/19/2020 11:00 PM | Location of Incident: 8949 Bay Parkway, 62nd Precinct stationhouse | Precinct: 62 | 18 Mo. SOL 10/19/2021 | EO SOL 5/4/2022 | |
| Date/Time CV Reported Mon, 04/20/2020 2:06 AM | CV Reported At: CCRB | How CV Reported: On-line website | Date/Time Received at CCRB Mon, 04/20/2020 2:06 AM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
| | | |
| | | |

| Subject Officer(s) | Shield | TaxID | Command |
|-------------------------|--------|--------|---------|
| 1. POF Regina Labruzzo | 13729 | 966145 | 062 PCT |
| 2. POM Marat Yermiyayev | 15880 | 966404 | 062 PCT |
| 3. SGT Mohammad Amjad | 05514 | 955716 | 062 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|-----------------------------|-----------|--------|----------|
| 1. POF Estefania Perez | 29485 | 967249 | 062 PCT |
| 2. POM Navdeep Singh | 10972 | 965530 | 062 PCT |
| 3. POM Simon Wu | 31714 | 966401 | 062 PCT |
| 4. POM Sajjad Baloch | 23161 | 962238 | 062 PCT |
| 5. POF Diandra Nunez | 11235 | 966245 | 062 PCT |
| 6. POM Robert Henschel | 21746 | 962468 | 062 PCT |
| 7. POM Giovany Diegue | 03258 | 964489 | 062 PCT |
| 8. POM Nobin Samu | 16499 | 958046 | 062 PCT |
| 9. POM Juan Rodriguezpayano | 10119 | 967668 | 062 PCT |
| 10. POF Danielle Valentine | 23221 | 957240 | 062 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|------------------------|--|-----------------------------|
| A.SGT Mohammad Amjad | Abuse: Sergeant Mohammad Amjad stopped § 87(2)(b) at 8949 Bay Parkway in Brooklyn. | |
| B.SGT Mohammad Amjad | Abuse: Sergeant Mohammad Amjad stopped an individual at 8949 Bay Parkway in Brooklyn. | |
| C.POF Regina Labruzzo | Abuse: Police Officer Regina Labruzzo threatened to arrest § 87(2)(b) at 8949 Bay Parkway. | |
| D.POF Regina Labruzzo | Discourtesy: Police Officer Regina Labruzzo spoke discourteously to § 87(2)(b) at 8949 Bay Parkway. | |
| E.POM Marat Yermiyayev | Abuse: Police Officer Marat Yermiyayev did not process § 87(2)(b) complaint regarding officers at the 62nd Precinct stationhouse. | |
| F.POF Regina Labruzzo | Untruthful Stmt.: On November 20, 2020 at 100 Church Street in Manhattan, Police Officer Regina Labruzzo provided a misleading official statement to the CCRB. | |

Case Summary

On April 20, 2020, § 87(2)(b) made this complaint to the CCRB online.

On April 19, 2020, at approximately 10:24 PM, § 87(2)(b) and an unidentified male victim were practicing driving in a parking lot in front of a mall located at 8949 Bay Parkway in Brooklyn. The mall's security guard drove his car in front of the car § 87(2)(b) was driving. The unidentified male victim exited the car and argued with the security guard, who then got in his car and drove away. A few minutes later, when § 87(2)(b) and the unidentified male were sitting in the parked car in the parking lot, several NYPD vehicles surrounded their car and Sergeant Mohammad Amjad and Police Officer Marat Yermiyayev approached the driver's side of the car and stopped § 87(2)(b) and the unidentified victim (**Allegation A: Abuse of Authority**, § 87(2)(g) **Allegation B: Abuse of Authority**, § 87(2)(g) When § 87(2)(b) did not immediately provide her identification to Police Officer Regina Labruzzo, PO Labruzzo threatened to arrest § 87(2)(b) if she did not comply with the request (**Allegation C: Abuse of Authority**, § 87(2)(g) While speaking to § 87(2)(b) PO Labruzzo said, "If that's your boyfriend, then he's a piece of shit" (**Allegation D: Discourtesy**, § 87(2)(g)

After the officers left, § 87(2)(b) and the unidentified male victim drove to the 62nd Precinct stationhouse to file a complaint about PO Labruzzo. PO Yermiyayev was working at the desk. PO Yermiyayev did not help § 87(2)(b) and the unidentified victim file a CCRB complaint (**Allegation E: Abuse of Authority**, § 87(2)(g)

On November 20, 2020, at 100 Church Street in Manhattan, PO Regina Labruzzo provided a misleading official statement to the CCRB (**Allegation F: Untruthful Statement**, § 87(2)(g)

§ 87(2)(b) provided cell phone video of the incident taken by the unidentified victim during the incident to the investigation (Board Review 02; Summary in Board Review 03). All allegations that took place at 8949 Bay Parkway in Brooklyn are depicted in BWC footage (Board Reviews 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24; Summaries in Board Reviews 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35). Stationhouse footage depicting the stationhouse at the time of the alleged allegation was also obtained by the investigation (Board Review 05; Summaries in Board Review 07, 08).

Findings and Recommendations

Allegation (A) Abuse of Authority: At 8949 Bay Parkway in Brooklyn, Sergeant Mohammad Amjad stopped § 87(2)(b)

Allegation (B) Abuse of Authority: At 8949 Bay Parkway in Brooklyn, Sergeant Mohammad Amjad stopped § 87(2)(b)

In her CCRB interview, § 87(2)(b) stated that at approximately 10:15 PM on April 19, 2020, she and her boyfriend, whom she declined to identify to the investigation, drove to a parking lot at Cesar's Bay Shopping Center, located at 8949 Bay Parkway in Brooklyn, to wait for a friend (Board Review 04). The parking lot was empty and § 87(2)(b) did not see any signs indicating that it was closed. § 87(2)(b) who had a driver's license at the time of the incident but was in the process of learning how to drive cars with a manual transmission, began practicing her driving in the parking lot by driving the car up and down the rows of parking spaces. § 87(2)(b) stated in her CCRB interview that she was not driving fast. After § 87(2)(b) had been driving for about five minutes, § 87(2)(b) who § 87(2)(b) believed to be a security guard drove his car around and in front of the car § 87(2)(b) was driving while honking his horn. § 87(2)(b) and the unidentified victim ignored

the security guard. The security guard then stopped his car in front of the car § 87(2)(b) was driving § 87(2)(b) stopped and the unidentified victim got out of the car, walked to the security guard's car, approximately 30 feet away, and knocked on one of the car windows. § 87(2)(b) heard her boyfriend say something about § 87(2)(b) practicing her driving to the security guard but did not hear everything he said. The security guard appeared to make a phone call, then drove away from § 87(2)(b) boyfriend without speaking to him. § 87(2)(b) boyfriend returned to the car. He and § 87(2)(b) remained in the parking lot in the parked, running car. At approximately 10:23 PM, two marked police vehicles entered the parking lot. Officers from the vehicles first spoke to the security guard, then approached § 87(2)(b) and the unidentified victim as they sat in their car. At the same time, five to ten more NYPD vehicles entered the parking lot and surrounded their car. § 87(2)(b) believed that at least ten officers responded. Officers identified by the investigation as Sgt. Amjad, PO Yermiyayev, and PO Labruzzo approached the vehicle. PO Yermiyayev stood by the front driver's side door and PO Labruzzo stood at the front passenger's side door. PO Labruzzo spoke with § 87(2)(b) on the passenger's side of the car while the unidentified victim spoke with PO Yermiyayev and Sgt. Amjad on the driver's side of the car.

The Event Summary for this incident states that at 10:18 PM on April 19, 2020, a 911 call was made reporting a physical fight in the parking lot of Caesar's Bay Shopping Center in Brooklyn (Board Review 36). The caller reported that a black male with a beard fought with a security guard and attempted to damage his car and reported that it is unknown whether there were any weapons involved or if anyone has been injured.

The cell phone video provided to the investigation by § 87(2)(b) depicts at least five marked NYPD SUVs in a parking lot, surrounding the car in which § 87(2)(b) and the unidentified victim are sitting, beginning at 00:00 seconds (Board Review 02; Summary in Board Review 03). At 00:08 seconds into the video, the unidentified victim individual says, "Who got shot here?" An officer standing at the front passenger's side window, identified as PO Labruzzo, states that the officers are recording the interaction and asks if anything happened. At 00:17 seconds, the unidentified victim asks, "Why was this necessary? We want to know." An officer standing at the front driver's side window, identified as PO Yermiyayev, says, "It's the type of call we got." At 02:18 minutes into the video, the unidentified victim speaks with the sergeant who responded to the call, identified by the investigation as Sgt. Amjad.

At 01:10 minutes into PO Yermiyayev's BWC footage, the unidentified victim is depicted (Board Review 17; Summary in Board Review 30). The unidentified victim is a male with an average build, a medium complexion, and a black beard.

Sgt. Amjad's BWC footage depicts Sgt. Amjad arriving at the scene of the incident at 00:33 seconds into the footage (Board Review 18; Summary in Board Review 31). When Sgt. Amjad arrives, two other NYPD vehicles are visible in the parking lot, one in the process of stopping and one parked with officers getting out. At 01:00 minute into the video, the audio begins and footage depicts Sgt. Amjad and Police Officer Simon Wu speaking with § 87(2)(b) identified by the investigation as the mall security guard. The security guard says, "I didn't open the window. He started clanging and banging on my car, trying to break the glass." PO Wu says, "He didn't break it though, right?" The security guard says, "No." At 01:22 minutes, Sgt. Amjad asks PO Wu and Police Officer Navdeep Singh what happened. PO Singh states that § 87(2)(b) and the unidentified male were practicing driving in the parking lot and the security guard tried to kick them out of the parking lot. At 01:35, after PO Singh has walked away, Sgt. Amjad asks the security guard, "Are you good, sir?" The security guard says, "Yeah, you know, I mean, the guy wanna fight, and talking about he don't care, you know, you can call who the fuck you want, you know." Sgt. Amjad says, "So he wasn't physical with you?" The security guard says, "No, because I didn't get out of the car."

Sgt. Amjad says, "But he was banging on the door?" The security guard says, "Yeah, banging on the glass." At 01:52, Sgt. Amjad says, "We're just gonna tell them to leave, alright?" The security guard says, "Yeah, you know, I don't know if he'll be back, but he's gotta go."

In his CCRB interview, Sgt. Amjad stated that he knew the initial call regarding the incident was labeled as a "39," which can refer to harassment, physical fights, graffiti, or other crimes, and was reported by a security guard (Board Review 39). Sgt. Amjad stated that he believed that the initial call had stated that a security guard had been in a physical fight. When Sgt. Amjad arrived at 8949 Bay Parkway, two or three NYPD vehicles were already present. In his CCRB interview, Sgt. Amjad stated that he believed that many officers responded to the scene of the incident because there was a "burglary and robbery pattern" around Caesar's Bay Mall involving a robbery on an unknown date a few weeks before the incident. Officers of the 62nd Precinct addressed the conditions in the area by establishing a greater police presence in the area, stationing NYPD vehicles with their emergency lights activated nearby. Sgt. Amjad believed that officers should have been assigned to monitor the mall and often were, but did not know if any officers were directly monitoring the area at the time of the incident. Based on his knowledge and the information provided in the call, Sgt. Amjad believed before arriving at the scene of the incident that the security guard may have been attacked by people who were trying to break into the building. Upon arrival, Sgt. Amjad spoke to the security guard, who stated that § 87(2)(b) and the unidentified victim had been driving recklessly in the parking lot. The security guard stated that when he tried to make them leave, the unidentified victim got out of his car and started banging on the window of the security guard's car. The security guard's car was not damaged. The security guard reported that there was no physical fight between himself and the individuals in the other car. Sgt. Amjad then spoke to the unidentified victim. After speaking to the security guard and the unidentified victim, Sgt. Amjad concluded that no crime had taken place and there was no reason to issue a summons to either § 87(2)(b) or the unidentified victim. He told the unidentified victim and § 87(2)(b) to leave the parking lot because the security guard had stated that he wanted them to leave. The unidentified victim and § 87(2)(b) drove out of the parking lot. Sgt. Amjad stated that if they had refused to leave the parking lot, it would have been appropriate to issue them summonses for trespassing.

In his CCRB interview, PO Yermiyayev stated that he did not remember any incident that had occurred on the night of April 19, 2020 (Board Review 38). The undersigned investigator showed PO Yermiyayev his own BWC footage from the incident. After seeing the footage, PO Yermiyayev stated that it did not refresh his memory, that he did not recognize § 87(2)(b) or the unidentified victim, and he was still unable to remember any of the events from the night of April 19, 2020.

A request for a Stop Report generated in relation to this incident returned negative results (Board Review 06).

In People v. DeBour, 40 N.Y.2d 210 (1976), the court determined that officers are permitted to stop individuals in such a way that the individuals do not feel free to leave if they have "reasonable suspicion" that the individuals have committed or are committing a crime (Board Review 44).

Based on the 911 call, the investigation determined that the officers responded to a report of a physical fight between the security guard and a Black male with a beard in the parking lot. The investigation determined that Sgt. Amjad and the other officers stopped § 87(2)(b) and the unidentified victim by surrounding the car in which they were sitting. § 87(2)(b) informed the investigation that she and the unidentified victim were the only people present in the parking lot, and the BWC footage confirmed that the unidentified victim was a bearded male who matched the general description. At the time of the stop, Sgt. Amjad had reason to believe that the unidentified

victim was the individual described in the 911 call based on his car being the only other car in the parking lot and the fact that he matched the description of the subject who had allegedly tried to fight with the security guard. § 87(2)(g)

Allegation (C) Abuse of Authority: At 8949 Bay Parkway in Brooklyn, Police Officer Regina Labruzzo threatened to arrest § 87(2)(b)

In her CCRB interview, § 87(2)(b) stated that after the officers had surrounded the car and while the unidentified victim was speaking with PO Yermiyayev and Sgt. Amjad, PO Labruzzo ordered her to get out of the car. PO Labruzzo then asked § 87(2)(b) for her ID. The first time PO Labruzzo asked for her ID, § 87(2)(b) refused because she had not been driving the car and did not believe that officers could order passengers in stopped vehicles to identify themselves. § 87(2)(b) stated that PO Labruzzo then told her that if she did not provide her ID, she would be transported to the stationhouse to be identified, then placed under arrest as soon as she was identified. The unidentified victim told § 87(2)(b) that she did not have to give her identification to PO Labruzzo because she had not done anything wrong and was not driving. § 87(2)(b) gave her identification to PO Labruzzo after PO Labruzzo requested it approximately five times.

At 02:08 minutes into PO Labruzzo's BWC footage, PO Labruzzo asks § 87(2)(b) for her identification (Board Review 12; Summary in Board Review 25). At 02:25 minutes into PO Labruzzo's BWC footage, PO Labruzzo says, "If you choose to not give your ID, that is your complete, you can do that. What happens is we have to take you into the precinct to identify who you are, so you'll be placed under arrest."

The unidentified victim's cell phone video of the incident captures the entirety of his interaction with officers (Board Review 02; Summary in Board Review 03). No officer is depicted asking the unidentified victim for his identification or threatening to arrest him or issue him a summons.

Police Officer Navdeep Singh's BWC footage depicts PO Singh speaking with the parking lot security guard from 01:10 minutes until 01:55 minutes (Board Review 15, Summary in Board Review 28). During this conversation, the security guard alleges that the unidentified victim banged on his windows and threatened him and that he tried to get § 87(2)(b) and the unidentified victim to drive more slowly by honking his horn at them. He does not allege that he told § 87(2)(b) and the unidentified victim to leave the parking lot.

As noted above, Sgt. Amjad stated that he determined that § 87(2)(b) and the unidentified victim were not doing anything for which they could be arrested at the time of the incident.

In her CCRB interview (Board Review 37), PO Labruzzo stated PO Labruzzo asked § 87(2)(b) for her identification because she saw that the officers on the driver's side of the car had asked the unidentified male for his ID. Below is a direct transcription of PO Labruzzo's CCRB interview from 11:45 minutes into the interview:

Inv. Davidovicz: [Regarding the officers speaking with the unidentified victim on the driver's side of the car] What were they doing and saying?

PO Labruzzo: They were asking him for his ID.

Inv. Davidovicz: Okay.

PO Labruzzo: And then, so, I asked the female for her ID. Which, again, he kept telling her, 'Do not give her your ID, don't tell her your name, don't do anything.'

Inv. Davidovicz: Okay, so, as far as you remember, could you describe that, kind of, conversation with the female in the car, how it went?

PO Labruzzo: I was speaking with her, she was just saying, like, 'Why are you doing this?' Honestly, she was very respectful. She wasn't, she wasn't being combative, nothing. Um, she was just saying, 'Why are you doing this? There's other things going on you should be worried about. We didn't do anything.' And I said, 'That's fine,' I said, 'I just need to see your ID. Can you just give me your ID?' And she went to give it to me, and he's like, 'Don't do that, don't give it to her.' And then I asked her to get out of the car, and he said not to, and she got out of the car. And, and then also when she got out of the car, she got very, she got very quiet. I think she was... I think she knew what he was telling her wasn't gonna, wasn't really the right thing at that point, but she was, it was almost like she was afraid of him. Like, she was afraid he was gonna get angry with her if she did give me her ID.

Inv. Davidovicz: Right, okay. So, you've stated that you had for asking this female for her identification was that the officers on the other side of the car were asking the male driver for his ID. Did you have any other reason to ask for her ID?

PO Labruzzo: I mean, the type of call that came over. That's what we do. We ask people for their ID. To verify who they are.

Inv. Davidovicz: Okay

[13:37] PBA Representative Daniel Shervino: [Whispered] Trespassing.

PO Labruzzo: Right. And they were trespassing at that point.

Inv. Davidovicz: So, um, as far as you know, had the female who was in the passenger seat done anything at that point, um, for which you could have issued her a summons?

PO Labruzzo: She was trespassing.

Inv. Davidovicz: Okay. So during the conversation, you mentioned that during the conversation with her, um, when you asked her for her ID, you said you told her that if she didn't give you her ID, you would have to take her down to the stationhouse to identification her. Could you describe some more of what was said during that conversation?

PO Labruzzo: I mean, that's basically it, cut and dry. I said to her...I asked her for ID, multiple times. She wasn't saying no, she was just kind of listening to the male she was with, and she was looking at him and looking at me, and I said to her, 'I'm gonna be honest with you, if you choose to listen to whoever this is, that he's going to, from what he's telling you to do, you're gonna be arrested, you're gonna be brought back to the precinct so we can verify who you are, so, basically, just to verify who you are and to finish off this investigation.' And then at that point I think she realized, okay, let me give her my ID. And then she secretly handed me her ID, so he wouldn't see.

Inv. Davidovicz: Okay. And you stated she could have been arrested. For what would she have been arrested?

PO Labruzzo: Because she wasn't verifying who she was, so I would have to bring her back to the precinct to finish off the investigation.

Inv. Davidovicz: Okay...

[15:19] Mr. Shervino: [Quietly] Trespassing.

PO Labruzzo: And because she was trespassing.

CCRB Investigator Zachary Herman: Can I clarify, when you say 'arrest' in this context, is what you mean, handcuff, put in a police vehicle, transport to stationhouse, and verify identification?

PO Labruzzo: Correct

Inv. Herman: Okay, so, when you say 'arrest'...

Mr. Shervino: And she was...

Inv. Herman: So, well, so what I'm clarifying...[speaking over Mr. Shervino; Mr. Shervino's speech is not clearly audible] is when we say arrest, other than for the trespassing, in the context that we're talking about, which is not providing the ID, what you don't mean, is, and then be processed through the system.

PO Labruzzo: Not necessarily, because at that point if we verify who she is, and then she has a warrant, then she has to be processed, so that's...

Inv. Herman: But specifically, for not providing ID, could she have been arrested, just on that basis?

PO Labruzzo: She would be placed in handcuffs and brought back to the precinct, yes.

According to Patrol Guide Procedure 208-01, an officer may arrest an individual without a warrant when he has "reasonable cause to believe [an] offense [was] committed in his presence or for a crime (within presence or not) and reasonable cause exists that [the] arrested person

committed the crime” (Board Review 48).

According to New York Penal Law Section 140.00, “A person who, regardless of his intent, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain, personally communicated to him by the owner of such premises or other authorized person” (Board Review 50). According to New York Penal Law Section 140.05, “a person is guilty of trespass when he knowingly enters or remains unlawfully in or upon premises.”

Google Street view images of the parking lot at 8949 Bat Parkway show that signs at multiple entrances state that the parking lot is private property and no dumping, soliciting, bus parking, or other unauthorized parking is permitted (Board Review 50). None of the signs list specific opening and closing hours for the parking lot.

Based on the security guard’s statements to officers as depicted in the BWC footage and the signs displayed at the parking lot entrances, the parking lot was generally open to the public and § 87(2)(b) and the unidentified victim had not been ordered to leave by the property owner or other authorized person as defined under New York Penal Law Sections 140.00 and 140.05. When Sgt. Amjad did order them to leave the parking lot, they did not refuse to do so. Based on this evidence, § 87(2)(b) and the unidentified individual were not trespassing at the time of the incident. At least twice during PO Labruzzo’s CCRB interview, PO Labruzzo’s PBA representative interfered with the interview by saying, “Trespassing,” while PO Labruzzo was answering questions regarding why she told § 87(2)(b) she was going to arrest her. PO Labruzzo stated that she believed § 87(2)(b) was trespassing immediately after Mr. Shervino said, “Trespassing,” both times that he said it. PO Labruzzo never independently stated that she believed § 87(2)(b) and the unidentified victim were trespassing before her representative directed her to do so. At no point in the BWC footage does PO Labruzzo state that § 87(2)(b) and the unidentified victim are trespassing or that they may be arrested for trespassing if they do not comply with police orders to leave the parking lot. While PO Labruzzo testified to the CCRB that she would need to identify § 87(2)(b) so that she could complete an investigation, § 87(2)(b) identification card would not have provided any information that would have contributed to an investigation into whether § 87(2)(b) and the unidentified individual were trespassing in the parking lot. PO Labruzzo did not cite any other infractions that she believed § 87(2)(b) had committed.

Further, while the 911 call for this incident was for an alleged assault in progress and the unidentified victim was the only person listed as a suspect in this call, the officers who interacted with the unidentified victim did not ask him for his identification or state that they were going to arrest him or issue him a summons at any point.

§ 87(2)(g)

N.Y.C. § 87(2)(g)

N.Y.C. § 87(2)(g)

N.Y.C. § 87(2)(g)

N.Y.C. § 87(2)(g)

Allegation (D) Discourtesy: At 8949 Bay Parkway in Brooklyn, Police Officer Regina Labruzzo spoke discourteously to § 87(2)(b)

In her CCRB interview, § 87(2)(b) stated that as she handed PO Labruzzo her identification, PO

Labruzzo stated that the unidentified victim was “an asshole.”

At 01:14 minutes into PO Valentine’s BWC video, PO Labruzzo says, “If that’s your boyfriend, then he’s a piece of shit,” to § 87(2)(b) (Board Review 22; Summary in Board Review 35).

At 03:12 minutes into her own BWC video, PO Labruzzo is depicting saying, “If that’s your boyfriend, then he’s a piece of shit,” somewhat less clearly than in PO Valentine’s BWC video.

In her CCRB interview, PO Labruzzo stated that she did not remember making any statements to § 87(2)(b) regarding the unidentified victim. When asked if she had used any profanity toward § 87(2)(b) PO Labruzzo said, “I do not recall.” Beginning at approximately 19:19 minutes into the recording, the undersigned investigator showed PO Labruzzo a portion of PO Valentine’s BWC video from 01:13 minutes to about 01:17 minutes three times. PO Labruzzo first stated that she could not hear the clip, then stated that the clip was too short to affect her memory, and then stated that she heard the audio, but did not hear any profanity. At 22:06 minutes into the interview, the undersigned investigator stated that, at approximately 01:13 in the BWC video, PO Labruzzo can be heard saying, “If that’s your boyfriend, then he’s a piece of shit, because he’s gonna get you arrested.” PO Labruzzo did not deny or affirm that that was what she had said. The undersigned investigator asked PO Labruzzo why that had been said, and PO Labruzzo then stated that she made the statement audible at 01:14 minutes into the BWC footage because she wanted § 87(2)(b) to stop listening to the instructions the unidentified victim was giving to her. PO Labruzzo believed that § 87(2)(b) would have a worse experience if she followed the unidentified male’s instructions and was taken to the stationhouse to be identified.

Patrol Guide Procedure 200-02 states that NYPD officers are required to treat civilians with “courtesy, professionalism, and respect” (Board Review 43).

The BWC footage clearly captures PO Labruzzo making the statement, “If that’s your boyfriend, then he’s a piece of shit.” PO Labruzzo ultimately did state that she told § 87(2)(b) the unidentified victim was “a piece of shit” because she wanted § 87(2)(b) to disregard the things the unidentified male was saying. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Abuse of Authority: At the 62nd Precinct stationhouse, Police Officer Marat Yermiyayev did not process § 87(2)(b) complaint regarding officers.

In her CCRB interview, § 87(2)(b) stated that after she and the unidentified victim left the parking lot, they drove to the 62nd Precinct stationhouse to make a complaint about PO Labruzzo. In the stationhouse, they spoke to an officer who § 87(2)(b) stated was the same officer who initially spoke to the unidentified victim at the front driver’s side window, depicted at 00:17 seconds into the cell phone video § 87(2)(b) provided to the investigation (Board Review 02). § 87(2)(b) described this officer as a 5’9” tall white male in his early 30s with brown hair and a stocky build. This officer was identified by the investigation as PO Yermiyayev. § 87(2)(b) stated in her interview that the officer identified as PO Yermiyayev was sitting behind a desk in the stationhouse when she and the unidentified victim entered the building. § 87(2)(b) stated that she and the unidentified victim asked PO Yermiyayev for a paper complaint form to fill out. PO Yermiyayev told § 87(2)(b) and the unidentified victim that they could only file their complaint online. PO Yermiyayev did not provide § 87(2)(b) and the unidentified victim with a complaint form or take any steps to help them file a complaint.

The stationhouse footage file labeled “1st Floor Main Lobby” depicts § 87(2)(b) and the unidentified victim entering the 62nd Precinct stationhouse at 10:39:36 PM (Board Review 05; Summary in Board Review 08). There is no sound in this video. At 10:41:10 PM, the unidentified victim moves in a manner consistent with speaking to an individual not depicted on the screen. § 87(2)(b) and the unidentified victim then leave the stationhouse. Sgt. Amjad and PO Yermiyayev are not depicted in this video. The individual with whom the unidentified victim appears to speak is not depicted in this video.

PO Yermiyayev’s BWC footage depicts him and other officers interacting with the unidentified victim at 8949 Bay Parkway in Brooklyn beginning at 01:00 minutes into the video, approximately 10:24 PM based on the timestamp provided by the NYPD (Board Review 17; Summary in Board Review 30). The footage ends after four minutes and 37 seconds, at approximately 10:28 PM, with PO Yermiyayev still standing near the unidentified victim’s vehicle at 8949 Bay Parkway in Brooklyn. PO Yermiyayev did not generate any additional BWC footage in relation to this incident.

As noted above, PO Yermiyayev stated in his CCRB interview that he did not remember any of the events of the night of April 19, 2020, even after viewing his own BWC footage. PO Yermiyayev stated that he did not remember if he returned to the stationhouse after the incident.

PO Yermiyayev did not generate any memo book entries in relation to this incident (Board Review 46).

According to his memo book, PO Yermiyayev was partnered with Sgt. Amjad (Board Review 46).

According to the command log, Sgt. Hammutoglu was the desk officer from 3:00 PM to 11:15 PM (Board Review 45). There are no entries in the Command Log regarding this incident.

§ 87(2)(g)

§ 87(2)(b)

Allegation (F) Untruthful Statement: On November 20, 2020 at 100 Church Street in Manhattan, Police Officer Regina Labruzzo provided a misleading official statement to the CCRB.

As described above, PO Labruzzo is depicted saying, “If that’s your boyfriend, then he’s a piece of shit,” to § 87(2)(b) at 01:14 minutes in PO Valentine’s BWC footage. The statement is audible, but less clearly, at 03:12 minutes into PO Labruzzo’s own BWC footage.

On November 20, 2020, PO Labruzzo provided a statement to the CCRB. During the interview, PO Labruzzo stated that she did not recall if she used any profanity while interacting with § 87(2)(b). When the undersigned investigator played BWC video depicting PO Labruzzo telling § 87(2)(b) “If that’s your boyfriend, then he’s a piece of shit,” PO Labruzzo stated several times that she was unable to hear herself using any profanity. However, PO Labruzzo ultimately conceded that she did make this statement and that she did so because she wanted § 87(2)(b) to disregard the statements of the unidentified victim.

Administrative Guide Procedure 304-10 (Board Review 47) defines a misleading official statement as “a statement that is intended to misdirect the fact finder, and materially alter the narrative by:

- a) intentionally omitting a material fact or facts,
- b) making repeated claims of ‘I do not remember’ or ‘I do not know’ when a reasonable

person under similar circumstances would recall, or have been aware of, such material facts, or

- c) altering and/or changing a member's prior statement or account when a member of the service is confronted with independent evidence indicating that an event did not occur as initially described."

PO Valentine and PO Labruzzo's BWC videos clearly depict PO Labruzzo using profanity while speaking with § 87(2)(b). The issue of whether PO Labruzzo used this language is material to the investigation because the use of discourtesy was an allegation under review. PO Labruzzo denied making the statement before viewing the video and continued to deny making a discourteous statement even after viewing a video depicting her making the statement though she ultimately conceded that she made the statement depicted in the video evidence.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- PO Labruzzo has been a member of service for two years and has been a subject in one previous CCRB complaint with five allegations, none of which were substantiated. § 87(2)(g)
- Sgt. Amjad has been a member of service for seven years and is currently a subject in three open CCRB complaints with six total allegations, none of which have been closed as of June 11, 2021. § 87(2)(g)
- PO Yermiyayev has been a member of service for two years and has been a subject in one other CCRB complaint with one allegation, which was not substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of April 19, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (Board Review 40).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 12

Investigator: Sylvia Davidovicz Inv. Sylvia Davidovicz 07/30/2021
Signature Print Title & Name Date

Squad Leader: Carlmais Johnson IM Carlmais Johnson September 7, 2021
Signature Print Title & Name Date

CCRB Case # 202002782

Reviewer:

Signature

Print Title & Name

Date